



One Lincoln Center | Syracuse, NY 13202-1355 | bsk.com

SUZANNE MESSER, ESQ.
smesser@bsk.com
P: 315.218.8628

July 30, 2020

VIA ELECTRONIC FILING

Hon. Joanna Seybert
United States District Court, Eastern District of New York
Alfonse M. D'Amato U.S. Courthouse
Room 1034
100 Federal Plaza
Central Islip, NY 11722-4449

Re: *Stellato v. Hofstra University*, Civil Action No. 2:20-cv-01999 (JS-ARL)
Latvala v. Hofstra University, Civil Action No. 2:20-cv-02368 (JS-ST)
Buckley v. Hofstra University, Civil Action No. 2:20-cv-02424 (JS-ARL)

Dear Judge Seybert:

We represent Hofstra University in the above-referenced actions. Each of these actions purport to be class actions commenced by students seeking damages relating to the University's transition to remote learning during the Spring 2020 Semester because of the COVID-19 pandemic.

While the actions are substantially similar in their allegations and the relief sought, the named plaintiffs are represented by three different law firms. Mr. Stellato is represented by Bursor & Fisher; Ms. Latvala is represented by Berger Montague PC; and Ms. Buckley is represented by Hagens Berman Sobol Shipiro LLP.

On June 25, 2020, the Court *sua sponte* reassigned the *Stellato* and *Buckley* cases to your Honor, so that all three cases are now pending before you.

On July 10, 2020, I spoke with Attorney Joseph Marchese of the Bursor & Fisher firm regarding these cases. Attorney Marchese represented to me that counsel in all three cases had mutually agreed to move to consolidate the cases and appoint Bursor & Fisher to act as lead counsel. We discussed the likelihood that a consolidated class action complaint would then be filed.

On July 19, 2020, I informed him that the University would not oppose consolidation, and asked that he confirm that in light of this, we would have a further discussion about the timing of the filing of any consolidated complaint and the University's deadline to respond to such a complaint.

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On July 24, 2020, I followed up with Attorney Marchese to again confirm the manner in which Plaintiffs' counsel intended to proceed, and reminded him at that time that the deadlines for the University to answer or otherwise respond to the complaints were approaching. Attorney Marchese responded that counsel for the plaintiffs were working on draft consolidation papers, and that he would send those to me for review this week (during the week of July 27). Today, Attorney Daniel Kurowski of the Hagens Berman firm informed me that plaintiffs' counsel are continue to work on a consolidation motion and anticipate filing the motion with the Court in the near future.

The current answer deadline in the *Buckley* and in the *Stellato* case is Monday, August 3. The answer deadline in the *Latvala* case is set for August 7.

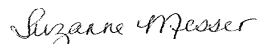
In an effort to conserve resources and obviate the need for answers or motions to be filed against the current complaints, only to thereafter have an amended consolidated complaint be filed, the University hereby requests an extension in the above-referenced response deadlines for a minimum of 30 days, up to and including September 4, 2020. By this time, plaintiffs' counsel in the three cases should have determined the manner in which they intend to proceed with respect to consolidation. To the extent that a consolidated complaint is thereafter filed, the parties can discuss whether additional time to address a consolidated complaint is required.

This relief has not been previously requested. I notified counsel for all plaintiffs of my intention to request an extension. Counsel for both Ms. Buckley and Mr. Stellato have expressly consented to an extension. I have not received any response from counsel for Ms. Latvala.

If this request meets with the Court's approval, please "so order" a September 4, 2020 deadline for the University to answer or otherwise respond to the complaints in each purported class action.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



Suzanne Messer

cc: Joseph Marchese, Esq.
Andrew Obergfell, Esq.

Eleanor Drake, Esq.
Ellen Noteware, Esq.

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Joseph Hashmall, Esq.

Nathaniel Tarnor, Esq.
Steve Berman
Daniel J. Kurowski, Esq.
Whitney Siehl, Esq.